IN THE CLAIMS

Please amend claims 35 and 44, as indicated in the list of pending claims below.

PENDING CLAIMS

1-34. (Canceled)

35. (Currently Amended): A tissue acquisition device useful in retrieving tissue samples from a patient, comprising:

an inner cannula having a proximal end, a distal end, a longitudinal axis extending between said proximal and distal ends, a tubular sidewall, a cut out in the sidewall proximal to the distal end and ~~a main~~ a first inner lumen extending within at least a portion of the inner cannula to the cut out in the sidewall;

an outer cannula having a proximal end, a distal end, a longitudinal axis extending between said proximal and distal ends, a tubular sidewall, a cut out in the tubular sidewall of the outer cannula proximal to the distal end and a ~~main~~ second inner lumen extending within at least a portion of the outer cannula;

a tissue penetrating distal tip; and

an electrically conducting cutting wire slidably and rotatably disposed in the first inner lumen of the inner cannula, having a proximal end and a distal end and having a cutting loop at a said distal end which is configured to rotate from a position within the inner cannula out of the inner cannula through the cut out in the side wall thereof in a plane traversing the longitudinal axes of the inner and outer cannulas to a position exterior to the outer cannula, to move longitudinally in a direction generally parallel to the longitudinal axes exterior to the outer cannula and to rotate from a

position exterior to the outer cannula into the inner cannula through the cut outs in the side wall of the inner and outer cannulas in a plane traversing the longitudinal axes.

36. (Previously Presented): The tissue acquisition device of claim 35, wherein said electrically conducting cutting wire is configured to make electrical contact with a source of radio-frequency electrical energy.

37. (Previously Presented): The tissue acquisition device of claim 35, wherein said cutting loop is a RF energy cutting loop.

38. (Previously Presented): The tissue acquisition device of claim 35, wherein said cutting loop comprises a material selected from the group consisting of stainless steel, tungsten, platinum, and nickel-titanium alloy.

39. (Previously Presented): The tissue acquisition device of claim 35, further comprising an electrically conducting distal cutting wire disposed near the distal end of said device.

40. (Previously Presented): The tissue acquisition device of claim 39, wherein said electrically conducting distal cutting wire is configured to make electrical contact with a source of radio-frequency electrical energy.

41. (Previously Presented): The tissue acquisition device of claim 40, wherein said electrically conducting distal cutting wire comprises a material selected from the group consisting of stainless steel, tungsten, platinum, and nickel-titanium alloy.

42. (Previously Presented): The tissue acquisition device of claim 35, further comprising an end plug disposed on the distal end of said device.

43. (Previously Presented): The tissue acquisition device of claim 42, further comprising an electrically conducting distal cutting wire disposed distal to said end plug.

44. (Currently Amended): A tissue acquisition device useful in retrieving tissue samples from a patient, comprising:

an elongated probe member having a tubular member with a proximal end, a distal end, a tissue penetrating distal tip at the distal end, a longitudinal axis extending between said proximal and distal ends, ~~a tubular sidewall,~~ a cut out in [[the]] ~~sidewall~~ a wall of the tubular member proximal to the distal end, [[and]] [[an]] a first inner lumen extending within at least a portion of the ~~elongated probe~~ tubular member to and in fluid communication with the cut out in the ~~sidewall~~ wall of the tubular member and a second inner lumen extending within the wall of the tubular member proximal to the cut out therein; and

an electrically conducting cutting wire which is slidably and rotatably disposed in ~~said passageway~~ the second inner lumen, which has a distal end and a cutting loop at the distal end which is configured to rotate from a first position within the ~~probe member~~ tubular member out of the cut out in the tubular ~~sidewall~~ member in a plane traversing the longitudinal axis to a second position exterior to the ~~elongated probe~~ tubular member, to move longitudinally in a direction generally parallel to the longitudinal axis in the

second position and exterior to the elongated ~~probe~~ tubular member and to rotate from [[a]] the second position exterior to the elongated ~~probe~~ tubular member into the elongated ~~probe~~ tubular member through the cut out in the tubular ~~side wall~~ member in a plane traversing the longitudinal axis so as to sever a cylindrical tissue sample from surrounding tissue while subjected to high frequency electrical power ~~to sever a tissue sample from surrounding tissue~~.

45. (Previously Presented): The tissue acquisition device of claim 44, wherein said electrically conducting cutting wire is configured to be electrically connected to a source of radio-frequency electrical energy.

46. (Previously Presented): The tissue acquisition device of claim 44, wherein the cutting loop is formed at least in part of a material selected from the group consisting of stainless steel, tungsten, platinum, and nickel-titanium alloy.

47. (Previously Presented) The tissue acquisition device of claim 44, wherein an electrically conducting distal cutting wire extends over the tissue penetrating distal tip to facilitate passage through tissue when the distal cutting wire is subjected to electrical power.

48. (Previously Presented) The tissue acquisition device of claim 35 including a vacuum source in fluid communication with the main lumen of the inner cannula to draw a tissue specimen into the inner cannula through the cut outs of the inner and outer cannulas.

49 (Previously Presented) The tissue acquisition device of claim 44 including a vacuum source in fluid communication with the inner lumen of the probe member to draw a tissue specimen into the inner lumen through the cut out of the probe member.